

## PATENT

## D. REMARKS

Status of the Claims

Claims 1-5, 7-17, and 19-26 are currently present in the Application. Claims 1, 9, 13, 21, 22, 23, 24, 25, and 26 are independent claims.

Claim Rejections - Alleged Anticipation Under 35 U.S.C. § 102

Claims 1-5, 7-17, and 19-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by a Google Toolbar, with an alleged publication date of February 2, 2001. Applicant respectfully traverses the rejection.

Applicant claims a system, method, and program product for providing multiple user-selectable functions from an individual menu item. A menu item can be configured to contain an application portion (which launches the corresponding application), a sub-menu portion (which launches a sub-menu), and/or icons corresponding to frequently used functions.

The Google Toolbar does not disclose multiple user-selectable functions from an individual menu item. As shown in the web pages cited in the Office Action, the Google Toolbar can be installed so that it is attached to a user's Internet Explorer browser bar. In effect, the Google Toolbar becomes **another toolbar** that can be used from any web page. The Google Toolbar is not a "menu item graphical control" as taught and claimed by Applicant in the independent claims.

The Google Toolbar does show a menu being launched from the Google Toolbar (see the section titled "Google Toolbar Drop Down Menu"). However, each of the menu items in the drop down menu, e.g. "Google's Home Page," "Web Directory," "Usenet Groups," etc., contains a **single** menu item. A user can perform one, and

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only one, function per menu item. None of the menu items shows a "menu item graphical control" containing "a plurality of graphical components" where each of the graphical components corresponds to a different programmed function, as taught and claimed by Applicant.

**Declaration under 37 C.F.R. § 1.131 removing Google Toolbar as a prior art reference**

In addition, Applicant respectfully asserts that Applicant conceived of the claimed invention prior to the publication or disclosure of Google Toolbar, and that Applicant showed diligence from Applicant's conception date to the filing date of Applicant's application. A declaration, pursuant to 37 C.F.R. § 1.131, has been duly executed by Applicant Mark E. Molander and is included with this Response. Mr. Molander declares that Applicant's claimed invention was conceived of prior to February 2, 2001, and that diligence was shown in filing the application on April 30, 2001. Exhibit "A" to Mr. Molander's declaration is a copy of the IBM invention disclosure that disclosed Applicant's invention. The Disclosure was submitted to the IBM Intellectual Property Law Department in Raleigh, North Carolina prior to February 2, 2001. Mr. Molander's declaration under 37 C.F.R. § 1.131, therefore, removes the Google Toolbar reference from consideration as prior art. Because, for the aforesaid reasons, the Google Toolbar publication is not prior art with respect to Applicant's claimed invention, Applicant respectfully asserts that claims 1-5, 7-17, and 19-26 are therefore allowable under 35 U.S.C. § 102(e).

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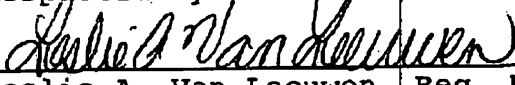
Conclusion

As a result of the foregoing, it is asserted by Applicant that the remaining claims in the Application are in condition for allowance, and Applicant respectfully requests an early allowance of such claims.

Applicant respectfully request that the Examiner contact the Applicant's attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

By

  
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